

**EXHIBIT B**

**Gary S. Smolker E-Mail Correspondence, dated August 20, 26, & 27, 2020, and September 1, 2020**

## **Roger Higgins**

---

**From:** Gary Smolker <gsmolker@aol.com>  
**Sent:** Thursday, August 20, 2020 4:58 PM  
**To:** Roger Higgins  
**Subject:** W.R. Grace & Co., Chapter 11 Case No. 01-01139 (AMC)

August 20, 2020

Mr. Higgins,

I will let you know by no later than next Thursday (August 27, 2020) how much time I need to fully respond to Grace's Motion for Summary Judgment currently scheduled to be heard on September 22, 2020.

I figure as a result of W.R. Grace & Co.'s and your misrepresentation of when my OBJECTIONS AND RESPONSE to Grace's Summary Judgment Motion was required to be filed with the United States Bankruptcy Court, at a minimum I am entitled to have until September 14, 2020 to respond.

I am in the process of obtaining medical advice and treatment of the various physical disabilities, such as lung scarring and shortness of breath, that I have as a direct result of inhaling the SYLOID 244 Grace illegally manufactured and illegally sold to Home Saving Termite Control, Inc. who illegally applied it in my home.

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Grace failed to timely serve me with its motion to dismiss for failure to prosecute.

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Sincerely,

Gary Smolker

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**From:** Gary Smolker <gsmolker@aol.com>  
**Sent:** Wednesday, August 26, 2020 10:02 AM  
**To:** Roger Higgins; GSmolker@aol.com  
**Subject:** #2 Re: Grace's Offer to Extend Due date to Sept. 14, 2020 ---W.R. Grace & Co., Chapter 11 Case No. 01-01139 (AMC)

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Sincerely,

Gary Smolker

Cell Phone: 1-310-749-9735

-----Original Message-----

From: Roger Higgins <rhiggins@rogerhigginslaw.com>

To: 'GSmolker@aol.com' <GSmolker@aol.com>

Sent: Fri, Aug 21, 2020 10:30 am

Subject: RE: W.R. Grace & Co., Chapter 11 Case No. 01-01139 (AMC)

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Warmest Regards. R

Roger J. Higgins

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516 N. Ogden Ave

Suite 136

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Tel: (312) 480-1984

e-mail: [rhiggins@rogerhigginslaw.com](mailto:rhiggins@rogerhigginslaw.com)

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**Roger Higgins**

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**From:** Gary Smolker <gsmolker@aol.com>  
**Sent:** Thursday, August 27, 2020 6:06 PM  
**To:** Roger Higgins  
**Subject:** Due Date for Additional Response to Grace Motion for Summary Judgment

August 27, 2020

Mr. Higgins:

I am dealing with disabling health issues.

When I can file additional papers in response to Grace's pending motion for summary judgment depends on the condition of my health.

I think I can live with having a due date of November 5, 2020 for filing further papers in response to Grace's pending motion for summary judgment subject to the condition of my health.

For example, I am having breathing problems.

After consulting with a pulmonologist I am going to see a cardiologist about the condition of the stents installed in my arteries.

IF I need to have surgery due to one of the three stents installed in two of my arteries being clogged that will impact when I will be able to provide an additional response to Grace's pending motion for summary judgment.

Very truly yours,

Gary S. Smolker  
16055 Ventura Blvd., Suite 525  
Encino, CA. 91436

Cell Phone: 1-310-749-9735

Office Phone: 1-818-788-7290

FAX: 1-818-990-9888

-----Original Message-----

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To: Gary Smolker <[gsmolker@aol.com](mailto:gsmolker@aol.com)>

Sent: Wed, Aug 26, 2020 2:12 pm

Subject: RE: #2 Re: Grace's Offer to Extend Due date to Sept. 14, 2020 ---W.R. Grace & Co., Chapter 11 Case No. 01-01139 (AMC)

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I look forward to consensually resolving this preliminary issue of your response deadline.

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Roger J. Higgins

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**From:** Gary Smolker <gsmolker@aol.com>  
**Sent:** Tuesday, September 1, 2020 12:08 PM  
**To:** Roger Higgins; GSmolker@aol.com  
**Subject:** Re: In re W. R. Grace - Telephonic Status Hearing - Wednesday, Sep. 2, 2020, at 2:00 pm ET/11:00 am PT

September 1, 2020

Mr. Higgins

Be advised that the hearing you scheduled without my input to take place tomorrow (September 2, 2020) at 2:00 p.m. Eastern Time does not work for me.

The September 2, 2020 hearing date and time

- interferes with my medical care,
- does not give me adequate time to prepare,
- is inconsistent with the email correspondence you sent me on August 18, August 20, August 21, August 26, August 28, and August 31, and
- does not specify what is to be discussed.

Please reschedule YOUR unilateral status conference hearing to take place on Wednesday, September 9 or Friday September 11, 2020 instead of on September 2, 2020.

Thank you.

Very truly yours,

Gary Smolker  
16055 Ventura Blvd., Suite 525

Encino, CA. 91436

cell phone: 1-310-749-9735

office phone: 1-818-7290

fax: 1-818-990-9888

-----Original Message-----

From: Roger Higgins <rhiggins@rogerhigginslaw.com>

To: 'GSmolker@aol.com' <GSmolker@aol.com>

Sent: Tue, Sep 1, 2020 11:40 am

Subject: In re W. R. Grace - Telephonic Status Hearing - Wednesday, Sep. 2, 2020, at 2:00 pm ET/11:00 am PT

Mr. Smolker,

Please find attached notice of a telephonic status hearing tomorrow, September 2, 2020, at 2:00 pm ET/11:00 am PT.

The dial-in instructions are in the body of the notice.

Please note that you were separately served this notice by e-mail, which you should have already received at this e-mail address.

You are also receiving notice by mail overnight.

As I discussed in my prior e-mails, the purpose of this hearing is to request the Court to set a deadline by which you must respond to Grace's summary judgment motion.

Warmest Regards. R

Roger J. Higgins

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**From:** Gary Smolker <gsmolker@aol.com>  
**Sent:** Tuesday, September 1, 2020 1:49 PM  
**To:** Roger Higgins  
**Subject:** Re: In re W. R. Grace - Telephonic Status Hearing - Wednesday, Sep. 2, 2020, at 2:00 pm ET/11:00 am PT

September 1, 2020

Mr. Higgins,

Is the September 22, 2020 hearing date for Grace's motion for summary judgment off calendar?

September 16 and September 17 both work for me.

Thank you for rescheduling.

Sincerely,

Gary Smolker

-----Original Message-----

From: Roger Higgins <rhiggins@rogerhigginslaw.com>

To: Gary Smolker <gsmolker@aol.com>

Sent: Tue, Sep 1, 2020 12:52 pm

Subject: RE: In re W. R. Grace - Telephonic Status Hearing - Wednesday, Sep. 2, 2020, at 2:00 pm ET/11:00 am PT

Mr. Smolker,

Judge Chan's chambers have informed me that the Judge is not sitting at all next week. So neither of your proposed dates works.

Please let me know today which of the following dates/times works for you:

September 16, 2020 at 4:00 P.M. EDT / 1:00 P.M. PDT

September 17, 2020 at 2:00 P.M. EDT / 11:00 A.M. PDT

September 17, 2020 at 3:00 P.M. EDT / 12:00 P.M. PDT

We need to confirm with the Court today.

Warmest Regards. R

Roger J. Higgins

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- is inconsistent with the email correspondence you sent me on August 18, August 20, August 21, August 26, August 28, and August 31, and
- does not specify what is to be discussed.

Please reschedule YOUR unilateral status conference hearing to take place on Wednesday, September 9 or Friday September 11, 2020 instead of on September 2, 2020.

Thank you.

Very truly yours,

Gary Smolker

16055 Ventura Blvd., Suite 525

Encino, CA. 91436

cell phone: 1-310-749-9735

office phone: 1-818-7290

fax: 1-818-990-9888

-----Original Message-----

From: Roger Higgins <[rhiggins@rogerhigginslaw.com](mailto:rhiggins@rogerhigginslaw.com)>

To: 'GSmolker@aol.com' <[GSmolker@aol.com](mailto:GSmolker@aol.com)>

Sent: Tue, Sep 1, 2020 11:40 am

Subject: In re W. R. Grace - Telephonic Status Hearing - Wednesday, Sep. 2, 2020, at 2:00 pm ET/11:00 am PT

Mr. Smolker,

Please find attached notice of a telephonic status hearing tomorrow, September 2, 2020, at 2:00 pm ET/11:00 am PT.

The dial-in instructions are in the body of the notice.

Please note that you were separately served this notice by e-mail, which you should have already received at this e-mail address.

You are also receiving notice by mail overnight.

As I discussed in my prior e-mails, the purpose of this hearing is to request the Court to set a deadline by which you must respond to Grace's summary judgment motion.

Warmest Regards. R

Roger J. Higgins

**THE LAW OFFICES OF ROGER HIGGINS, LLC**

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